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10/581,286	04/02/2007	Sung Wan Park	1630-0539PUS1	3176
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EXAMINER SHIBRU, HELEN				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 11/17/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/581,286

**Applicant(s)**

PARK, SUNG WAN

**Examiner**

HELEN SHIBRU

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed 07/15/2009, have been entered and made of record. In view of the Applicants' amendments to the drawing, the objection to the drawing is hereby withdrawn. Claims 1-4, 6-22 are pending and claim 5 is cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed 07/15/2009 have been fully considered but they are not persuasive.

Applicant states, "the audio packet locating method of Hanamura does not include synchronizing audio and video data before packetizing."

In response the Examiner respectfully disagrees. Hanamura teaches outputting the non-reduction TS packets in synchronous with the transcoded video TS packet (see paragraph 0314) wherein the non-reduction TS includes an audio data. Consequently, the MPEG-2TS is outputted wherein the MPEG-2TS consists of packets of bytes, having transcoded video data and non-reduced data (or audio data). Therefore Hanamura does indeed teach synchronizing audio and video data before packetizing.

Applicant states, "Figure 6 of Hanamura relates to a different embodiment than the circuits of figures 1 and 2 of Hanamura."

In response the Examiner respectfully disagrees. First, Nowhere in Hanamura is stated figure 6 is a different embodiment. Second, the independent claims are rejectable in view of figure 6 only as well. Third, figure 1 describes the basic guiding of Hanamura's invention, and figure 6 is a block diagram of a first embodiment of the

apparatus for transcoding the coded multiplexed sound and moving picture sequence according to Hanamura's invention. Therefore Figure 6 of Hanamura is not different embodiment than the circuits of figures 1 and 2 of Hanamura.

Applicant stated Hanamura fails to teach synchronizing the audio and the transcoded video data by matching PTS of the audio and the video data.

In response the Examiner respectfully disagrees. Hanamura teaches, as stated by the applicant on the remark, matching the input PTSs and DTSS and output PTSs and DTSS of both audio and transcoded video data. Hanamura further teaches bitstreams constituting a video frame and an audio frame contained in the output MPEG-2 TS arrive at the decoder at the same time at which bit streams constituting the same video frame and the same audio frame contained in the input MPEG-2 TS streams are supposed to arrive at the decoder. The non reduction TS packets contained in the output MPEG-2TS arrive at the decoder at the same time at which the non-reduction TS packets contained in the input MPEG-2TS streams supposed to arrive. See also paragraphs 0118, 0150, 0253, and 0281. Therefore, the PTS, as the name indicates, matching process is performed in order to synchronize the audio and video data and/or output or arrive the MPEG-2TS at the time they supposed to (by matching the PTSs and DTSS).

The claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanamura (US PG PUB 2001/0033619 A1).

Regarding claim 1, Hanamura teaches a method for transcoding an audio/video (A/V) stream, the method comprising: dividing a compressed digital A/V stream into audio and video data (see demultiplexer 610 in figure 1 where the prior art shows the audio, the video, and the other data are demultiplexed); transcoding the divided video data (see unit 640 where the video data is only transcoded after demultiplexing the inputted transport stream); synchronizing the divided audio data with the transcoded video data (see paragraphs 0280, 0314, 0325, and figure 9 where the prior art teaches the non reduction Ts packet is an audio data and the transcoded video data is synchronized with the non reduction TS packet) by matching Presentation Time Stamps (PTs) of audio and video data (see the response above and (see paragraphs 0244, 0320, and 0325 audio and video are synchronized by matching the value of audio and video PTs); and packetizing the synchronized audio and video data into a digital A/V stream (see figure 1 where it shows, MPEG-2 TS multiplexer 620, the audio and the

transcoded video multiplexed and MPEG-2 transport stream is outputted, see also figure 6 and paragraph 0330).

Regarding claim 2, Hanamura teaches the transcoding comprises reducing a bit rate of the video data (see figure 5, paragraphs 245, 255 and 280 where the prior art teaches the output bit rate is reduced, see also figure 6 where the prior art shows the video data goes to the process of transcoding where the bit rate of the video data is reduced).

**Note to the Applicant:** The USPTO considers the Applicant's "or" and "at least one" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 3, Hanamura teaches the bit rate of the video data is reduced by reducing a frame size and a frame rate of the video data (see paragraphs 0265 and 0312, the size and the rate of the video data are reduced).

Regarding claim 4, Hanamura teaches the digital A/V stream is compressed based on an MPEG standard (see figure 1 where the prior art shows MPEG-2 TS is inputted and outputted).

Regarding claim 6, Hanamura discloses original PTSs of video data before the video data is transcoded are used for the transcoded video data (see paragraphs 0325 and 0329, the PTS located at the header of the inputted video stream is used for the transcoded data).

Regarding claim 7, Hanamura discloses new PTSs are used for the transcoded video data (see paragraph 0244, PTS corresponding to the transcoded video is

generated), and PTSs of the audio data are updated based on the new PTSs (see paragraphs 0430 and 0440, new audio PTS is calculated).

Regarding claim 8, Hanamura teaches a start PTS value of the PTSs of the audio data is replaced with a start PTS value of the new PTSs of the transcoded video data, and other PTS values of the PTSs of the audio data are updated based on a difference between the start PTS value of the new PTSs of the transcoded video data and the start PTS value of the PTSs of the audio data (see paragraphs 0244 and 0235, the audio data is synchronized with the transcoded video data where the synchronization is performed using the presentation time stamp where the time stamp has a start and end values, i.e. the audio start value at the output is same as the video start value, and the non-reduction data (audio data) PTS value is adjusted to match with the transcoded video in order to synchronize and multiplex the data, see also paragraphs 0325 and 0439).

Regarding claim 9, Hanamura discloses the steps of transcoding and synchronizing are performed on a section-by-section basis, each section having continuous PTS values (see figure 116, paragraphs 0434, 0441, and 0447 where the prior art teaches number of frames are transcoded in section with PTS values assigned to each).

Regarding claim 10, Hanamura discloses temporarily storing the divided audio data before synchronizing the divided audio data with the transcoded video data. (see the non reduction buffer 230 in figure 6 and paragraphs 0285 and 0314).

Regarding claim 11, Hanamura discloses a size of a buffer for temporarily storing the audio data is determined based on both a time required to transcode the video data and a bit rate of the audio data (see paragraphs 0408, 0418, and 0420 where the prior art teaches the measuring the volume of the audio buffer is measured by transcoding time and the rate of the audio data).

Regarding claim 13, Hanamura discloses transmitting the packetized digital A/V stream (see paragraph 0279 and last three lines of claim 14, the output packets are transmitted through transmitting path).

Regarding claim 14, Hanamura teaches receiving the compressed digital A/V stream is via a digital broadcast (see paragraph 0268).

Regarding claim 15, Hanamura discloses an apparatus for transcoding a digital audio/video (A/V) stream, the apparatus comprising: a demultiplexer configured to divide a compressed digital A/V stream into audio and video data (see demultiplexer 210 in figure 6 where the prior art shows the non-reduction buffer (audio), and the video are demultiplexed); a buffer configured to temporarily store the divided audio data (see non reduction buffer 230 in figure 6); a transcoder configured to transcode the divided video data (see video ES transcoder 244 in figure 6); a synchronizer configured to synchronize the divided audio data with the transcoded video data see paragraphs 0280, 0314, 0325, and figure 9 where the prior art teaches the non reduction Ts packet is an audio data and the transcoded video data is synchronized with the non reduction TS packet) by matching Presentation Time Stamps (PTSs) of the audio and video data (see the above response and rejection of claim 1 above); and a packetizer configured to



packetize the synchronized audio and video data into a digital A/V stream (see paragraphs 0330 and figure 6, MPEG-2 TS multiplexer 220, the audio and the transcoded video multiplexed and MPEG-2 TS is outputted).

Regarding claim 16, the limitation of claim 16 can be found in claims 2 and 3 above. Therefore claim 16 is analyzed and rejected for the same reasons as discussed in claims 2 and 3.

Regarding claim 17, Hanamura discloses original PTSs of the video data before the video data is transcoded are arranged to synchronize the divided audio data with the transcoded video data (see paragraphs 0325 and 0329, the inputted PTS values are used to synchronize and the reduced data and the non reduced data).

Regarding claim 18, the limitation of claim 18 can be found in claims 7 and 9 above. Therefore claim 18 is analyzed and rejected for the same reasons as discussed in claims 7 and 9.

Claims 19 and 20 are rejected for the same reasons as discussed in claims 8 and 11 respectively above.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanamura in view of Official Notice.

Regarding claim 12, although Hanamura discloses a storage medium having transcoding coding, Hanamura fails to disclose recording the outputted packetized digital A/V stream to a recording medium. Official Notice is taken that it is notoriously well known to connect the Hanamura's multiplexer, 620, to a digital recording device to record the lowered bit rate stream in to a recording medium. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanamura by adding a recording device to record the digital stream in to the digital recording medium in order to produce the digital stream multiple times.

Regarding claim 21, the limitation of claim 21 can be found in claims 12 and 14. Therefore claim 21 is analyzed and rejected for the same reason as discussed in claims 12 and 14 above.

Regarding claim 22, although Hanamura discloses transmitting the packetized digital A/V stream, Hanamura fails to specifically teach a transmitter configured to transmit the stream of data to a client computer through a communication network. Official Notice is taken that it is notoriously well known in the data transmitting and receiving art to transmit packetized transport stream to a client computer using communication network. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanamura by transmitting the packetized stream to a computer via a network in order to create a more cost-effective interactive video system that eliminates location constraints.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
November 05, 2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621